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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13248 OF 2022

Tukaram Ganpat Jadhav and Anr. .. Petitioners

Versus

Ramchandra Sadashiv Jadhav through
Power of Attorney Holder Laxman Ramchandra
Jadhav .. Respondent

-
- Mr. Hrishikesh S. Shinde, Advocate for Petitioners.
 - None for Respondent.
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CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 29, 2022.

P.C.:

1. Heard Mr. Shinde, learned Advocate appearing for the Petitioners.

2. Perused the impugned order dated 21.02.2022. The original Application was filed by the Respondent seeking condonation of delay of 15 months for restoration of Petition which came to be dismissed for non prosecution in default. Perused the Application filed by Respondent which is at page No.52 of the Writ Petition. In paragraph No.2 of the said Application specific reasons are given by the Applicant (Respondent). The same have been adequately considered by the learned Judge while passing the order below Exh.1 and he has returned his findings in paragraph No.7 of the said order.

3. Admittedly, it is a fact that Applicant (Respondent) is 80 years old and he has relied upon the medical documents which have been considered by the learned Trial Court. That apart, Applicant had also given his Constituted Power of Attorney in favour of his son who is a rickshaw driver and it was pleaded that due to covid lockdown, the Applicant did not have knowledge about the dismissal of Appeal. Perusal of the original Application and the impugned order clearly reveal that adequate and sufficient reasons have been given and considered by the learned Trial Court. Order dated 21.02.2022 is a reasoned order passed after considering the case of the Applicant (Respondent). It does not call any interference. The order is sustained.

4. In view of the above, Writ Petition is dismissed.

[MILIND N. JADHAV, J.]

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